

Approved by EQAC February 11, 2004

**COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
SUMMARY OF THE ANNUAL PUBLIC HEARING OF THE
ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

DATE: DECEMBER 2, 2003

The public hearing commenced at 7:30 P.M. in the Board of Supervisors' Auditorium in the Fairfax County Government Center and was televised live on Cable channel 16.

There were 17 speakers, 14 of whom provided written testimony and/or background information either during or after the public hearing. The speakers were:

1. Linda Ebersole (Friends of Beulah Road Park)
2. Cathy Saunders (Friends of Burke's Spring Branch)
3. Joseph M. Chudzik
4. Rod Kincade (Esquire Environmental Services)
5. Patricia Ferguson (Tri-County Parkway Concerned Citizens)
6. Edna Cruz (Tri-County Parkway Concerned Citizens)
7. Bob Booth (Tri-County Parkway Concerned Citizens)
8. Michael S. Rolband
9. Jack E. Dent (McLean Greens Homeowners Association)
10. Robert Jordan
11. Barbara Bodson
12. John Mark Zetts (Kirby Court Homeowners Association)
13. Desmond O'Rourke
14. Matthew Taylor
15. Ron Nowak (Westhampton Civic Association)
16. Chris Koerner (Fox Heritage Homeowners Association)
17. Roger Diedrich

Written testimony was also submitted by the following:

- A. Ned Foster (Friends of Little Rocky Run)
- B. Norma Hoffman (Citizens Alliance to Save Huntley)
- C. The Northern Virginia Association of Realtors
- D. Francesca Bravo (submitted in conjunction with Ron Nowak's testimony)

Written testimony and related background information is not included as an attachment to this summary but has been provided separately to all members of the Environmental Quality Advisory Council and is available for review in the office of the Fairfax County Department of Planning and Zoning (contact Noel Kaplan at 703-324-1210).

Linda Ebersole (Friends of Beulah Road Park)

Ms. Ebersole read from a prepared statement. She also submitted a bullet-point executive summary of her presentation, a September 23, 2003 “Resolution for Beulah Road Park” adopted by the Northeast Vienna Citizens Association, and a map of the Town of Vienna with several photos overlaying the map. Her comments focused on the use of Beulah Road Park by the Town of Vienna and concerns she has regarding adverse environmental impacts associated with Town activities in this park. She stated that she recognized that land use and development issues in the Town were under the purview of the Town Council rather than the County’s Board of Supervisors but wanted to share her concerns with EQAC nonetheless. Specific concerns included the following:

- The clearing of trees and construction of a 15-foot wide paved road to facilitate access to a sanitary sewer manhole;
- The dumping and burying of construction debris;
- The storage of surplus machinery and equipment on the site by the Town;
- The laying of compacted asphalt on a wide swath of land used for the Town’s leaf mulching composting operations;
- The construction of a berm, which results in standing water on the site;
- The clearing of approximately three acres of land in the middle of a natural wooded area on the site; and
- The poor health/condition of trees along the perimeter of the aforementioned cleared area.

She expressed her dismay at the apparent conflicts of the Town activities on the site with the Town’s Comprehensive Plan, which calls for the Park to be “developed as a ‘natural’ neighborhood park.” She also noted numerous meetings discussions of this matter with Town officials (both appointed and elected) and referenced a resolution on the matter adopted by the Northeast Vienna Citizens Association; the resolution requested that the Town restrict its use of the Park and that a joint task force be established to identify the best long-term use of the Park.

Ms. Ebersole concluded her remarks by noting that Bob McCahill, another resident of the Town of Vienna, wanted to mention the need to include the section of Piney Branch that is in Vienna as an RPA, in that this portion of the stream is particularly vulnerable.

Cathy Saunders (Friends of Burke’s Spring Branch)

Ms. Saunders read from a prepared statement and focused her comments on the regulatory status of Burke’s Spring Branch in the McLean area and a proposed development along the western fork of this stream that would, in her view, result in a substantial adverse impact to the stream. She noted that the eastern fork of the stream had been recognized as being perennial during the recent countywide perennial stream mapping effort, and that, as a result, the eastern fork had

been afforded protection through a Resource Protection Area (RPA) designation. She noted that the western fork had not been so designated, even though, in her view, the stream is perennial (she has noted that the stream is spring fed but that its upper reaches “disappear during times of low flow into a shale bed and hence, presumably, to an underground stream.” She added that Winchester Homes, which is pursuing a rezoning application for property along both sides of this stream, is proposing to create a new road crossing across the stream and that much of the vegetation in a portion of this stream valley would be removed in conjunction with the site development. She recommended the following:

- That the stream be recognized as perennial through a quality control study that is currently under way;
- That a corridor of existing woodlands along the stream be preserved, thereby providing ecological and water quality benefits;
- That developers in this watershed be encouraged to employ low impact development practices where possible; and
- That Winchester Homes be encouraged to preserve the stream “as a reminder of local history and of human beings’ continuing need for clean water.”

Written materials provided in addition to the text of Ms. Saunders’ presentation included maps depicting tree cover in the watershed today, as well as the proposed extent of clearing. She also provided a table summarizing monitoring results for four stations along Burke’s Spring Branch.

There was some discussion following Ms. Saunders’ presentation; Mr. Crandall suggested that Ms. Saunders provide her samples to County staff for them to consider in the reevaluation of the RPA designation issue.

Joseph M. Chudzik (speaking as an individual)

Mr. Chudzik read from his prepared statement. His comments focused on the following:

- The need to upgrade air pollution control equipment for the I-95 Energy/Resource Recovery Facility (it is his contention that retrofits of equipment to meet requirements of the Clean Air Act amendments of 1990 have not been completed);
- The need for improved air quality monitoring near the Energy/Resource Recovery Facility;
- The need for careful monitoring of groundwater at the closed I-95 Landfill, in that, in 1998, numerous volatile organic and inorganic constituents were detected above Maximum Contaminant Limits (MCLs);
- The need for groundwater monitoring at the Rainwater Landfill, in that there have been emissions of leachate from the landfill that generate health concerns in the nearby community;
- The dumping of large amounts of trash and debris along streets and highways in the Lorton area by scrap vehicle transporters and the need for better enforcement of dumping laws;
- Degradation of watersheds and streams by increased development; and

- Widespread violations of County and State sign regulations.

Ms. Koch noted that the data described by Mr. Chudzik was from 1998; she asked if there has been any more recent monitoring of Mills Branch. She indicated that she'd follow-up on this question.

Chet McLaren expressed his concerns about mercury, noting recent attention to this contaminant in the news.

Rod Kincade (Esquire Environmental Services)

Mr. Kincade focused his comments on high mercury levels in the environment and specific concerns regarding discarded fluorescent lights as a source of mercury. He noted that mercury is recognized by the federal and State governments as a hazardous waste. He stated that Fairfax County, with the exception of the Fairfax County Water Authority, does not employ a management protocol for the mercury waste streams that the County generates. He stated that, in the main, the source of this mercury is fluorescent lamps. He noted that Fairfax County Public Schools, the County's Government Center, and Fairfax County parks dispose all of their waste fluorescent lamps into trash compactors and ultimately to the Energy/Resource Recovery facility. He called the Council's attention to materials that he distributed noting the adverse impacts of mercury and the accumulation of mercury in fish tissue. He also referenced a Virginia Department of Environmental Quality (DEQ) regulation that specifies mercury-containing lamps as a "state-declared universal waste" requiring recycling/reclamation per federal universal waste requirements. He stated that such lamps may not be disposed of in landfills. He stated that there are a number of protocols available to the County to institute a recycling protocol, and that his company offers various models. He stated that various corporate entities in Fairfax County employ these protocols. He offered his assistance to the County in developing solutions to this problem.

At the end of the public hearing, Mr. Kincade added that most of the staff he's met with in the County are aware that County facilities may be in violation of the Universal Waste Code and recognize the inevitability of the need for a recycling solution. He stated that most of these people want to do the right thing but are hesitant to institute a new program in light of budget considerations; in his view, they are looking for direction from higher levels of the government structure. He asked for EQAC's assistance in recommending such efforts.

Patricia Ferguson, Edna Cruz, and Bob Booth (Tri-County Parkway Concerned Citizens)

These three speakers all read portions of a written statement that was submitted by the Tri-County Parkway Concerned Citizens. The testimony raised concerns over one of the possible alignments of the proposed Tri-County Parkway that would run through western Fairfax County (alignment E/F). Specific concerns raised included the following:

- The loss of ecologically valuable land in Bull Run Regional Park, including forests, wetlands, and old fields. The testimony cites Bull Run Regional Park as “a significant contributor to the largest and most extensive biological corridor within Fairfax County . . .”
- Adverse impacts to Cub Run and Bull Run as a result of the loss of riparian buffer areas;
- Adverse air quality impacts associated with the new road;
- Noise and light impacts associated with the new road; and
- Impacts to nearby communities.

The testimony concluded that the alignment in question would be in conflict with County goals to protect the Occoquan Watershed; EQAC was asked to recommend that the Board of Supervisors remove from consideration the alignment in question in favor of the “C/D” alternative (running through Loudoun and Prince William Counties) if the need for an additional highway is determined to be justified.

Included within the written materials provided by these speakers was background information regarding the alignments being studied, a related newspaper article, an August, 2003 “Draft Adoption Statement for a New Riparian Forest Goal” from the Chesapeake Bay Program, and positions taken by the Northern Virginia Regional Park Authority, Delegate Tim Hugo, and the Fairfax County Tree Commission.

Michael S. Rolband

Mr. Rolband commended the County for its environmental regulations and policies and for setting high standards during the zoning process. He expressed concern, however, about what he viewed as a double standard, suggesting that public projects are not held to the same standards and expectations as private sector development projects. He asked that EQAC look into issues of fairness and equity as they relate to compliance with environmental standards and policies. He cited an example of a stream restoration project for which no plans are on record in the Office of Site Development Services (OSDS) despite the extent of land disturbance (greater than 2,500 square feet) associated with the project; he stated that he has found that many County projects have been exempted, through an internal memorandum, from OSDS review. He added that he has worked on County projects that did not have to comply with the same requirements (e.g., local erosion and sediment control requirements; Chesapeake Bay Preservation Ordinance) that private sector projects would have had to have met. He cited the specific examples of an extension to Wiehle Avenue (which he indicated did not meet the County’s erosion and sediment control standards) and a rip-rap project along a perennial stream near Little River Turnpike (which, in his view, should have been, but was not, submitted for a Resource Protection Area Exception under the Chesapeake Bay Preservation Ordinance). Mr. Rolband recommended that EQAC obtain a copy of the internal memorandum and suggest that everyone should follow the same rules.

Mr. Rolband then focused on the County’s Environmental Quality Corridor (EQC) policy and Resource Protection Area designations. He expressed support for the EQC policy but again questioned whether

the policy, as well as RPA designations, were being applied consistently with respect to County projects. He cited the South County High School site as an example, noting that this was the first time he submitted an RPA plan where the County argued that the RPA was smaller than what he had delineated. He cited the lack of an RPA designation around a stream on the Twin Lakes Park property as another example of a case where an RPA should have been identified on a public property.

With respect to RPA designations, he express his view that there is a “huge” need for quality control. He stated that there are a large number of discrepancies in the RPA maps that need to be fixed in a fair and equitable manner. He recommended, however, that a review of the mapping efforts not be rushed; he noted that the two years during which perennial stream determinations were made were atypical from a climatic standpoint (a severe drought followed by a particularly wet year). He suggested that the problem areas that have been identified be reevaluated during a year of typical precipitation.

Considerable discussion followed Mr. Rolband’s remarks. Chairman McLaren expressed his support for the equitable treatment of public and private development projects. With respect to the stream on the Twin Lakes Park site, he asked if the stream effectively “disappeared” under a bed of coarse gravel. Mr. Rolband indicated that he did not know but added that, from an aerial photo, it appeared that a portion of the stream may have been piped.

Mr. Crandall provided background on how both the interim RPA maps and the perennial stream maps were developed and expressed his view and concern that perennial spring-fed headwater streams were missed as a result of the field method used. He stressed that the protocol needs to take these situations into account.

Chairman McLaren agreed that there is a need for quality control but stressed that the we shouldn’t lose sight of the giant step forward that has been taken through the perennial stream mapping effort. He indicated that some tweaking is needed. Mr. Rolband agreed that the map we have now is much better than the map we had before. He expressed his view that the updates to the map should occur through an orderly process rather than through a process involving quarterly map updates; he indicated that frequent changes would confuse the land use process and argued for a more methodical approach of addressing the protocol rather than the maps. He suggested that the problems that have been identified should be addressed through policy clarifications (e.g., what to do about discontinuous perennial streams) and field observations during a year of normal rainfall.

Mr. Crandall added some thoughts about the mapping protocol and recognized the need to evaluate certain issues to ensure predictability in the application of the protocol.

At EQAC’s request, Mr. Rolband submitted a written summary of his comments, as well as supporting materials, subsequent to the public hearing.

Jack E. Dent, Jr. (McLean Greens Homeowners Association)

Mr. Dent identified himself as a member of Friends of Burke's Spring Branch. He focused his comments on the proposed development by Winchester Homes that had been the subject of Ms. Saunders' earlier comments. He expressed concerns about the impacts of the proposed development to Burke's Spring Branch and associated wildlife habitats and stressed the need to protect the stream through EQC and RPA designations. He expressed his view that a 35-foot wide corridor would be insufficient to protect bird life in this area.

Chairman McLaren asked if the stream in question had been designated as an EQC. Ms. Saunders indicated that there has been some debate about this. Chairman McLaren expressed his view that the developer could make a few modifications to the development plan (particularly with respect to access to the site) to improve stream protection. Mr. Crandall noted that an embankment-only stormwater management facility has been proposed where Hutchinson Street. He indicated that this proposal may affect where a road can be placed.

Robert Jordan

Mr. Jordan read from a prepared statement. His comments focused on water quality issues. He commended EQAC and the County for several water resource initiatives (e.g., the revised Chesapeake Bay Preservation Ordinance; revision of the regional pond policy; watershed management planning) and noted that further actions would be needed to address nutrient reduction needs and Total Maximum Daily Load (TMDL) requirements. He identified several actions that should be taken by the County:

- Upgrades to the Noman Cole Pollution Control Plant to reduce nitrogen discharges (similar reductions were also recommended for other facilities that Fairfax County contributes to);
- Expansion of efforts to encourage the use of low impact development (LID) techniques, and identification and removal of County regulatory and policy constraints to LID (including revisions to the Public Facilities Manual and consideration of establishing zoning overlays for watershed protection); and
- Assurance that funding will be available to complete watershed management plans and measures included in the County's MS4 (Municipal Separate Storm Sewer System) permit.

Chairman McLaren stated that EQAC supports Mr. Jordan's recommendations and would continue to work toward improvement at the Countywide level.

Barbara Bodson

Ms. Bodson read from a prepared statement. Her comments focused on Lewinsville Park, and, in particular, issues associated with how the Fairfax County Park Authority developed this property. She presented her comments as a "cautionary tale" illustrating her criticisms of the Fairfax County Park Authority and Board of Supervisors in the development of athletic fields on the property. She expressed

her view that the Park Authority had provided McLean Youth Soccer with everything that this organization wanted at the expense of the surrounding neighborhood and that the community was left out of key decision making processes. She indicated that the Park Authority began construction on the site even though a community appeal to the Board of Zoning Appeals was still pending at the time. She criticized the parking capacity, traffic conditions, and rest room facilities at the site as being inadequate, raised concerns about drainage, noise impacts, and lighting impacts from the site, and questioned the potential environmental impacts of the artificial surface used for a field at the site. She expressed particular objection to the lighting impacts that her community was experiencing and criticized the Park Authority for not abiding by the County's new lighting requirements (because the lighting contract was signed before the requirements became effective). She noted that, despite its small size and proximity to communities, Lewinsville Park has been designated as a district park rather than a community park.

Ms. Bodson presented staff with a series of e-mails related to the development of Lewinsville Park. These e-mails have been entered into the record of the meeting.

John Mark Zetts (Kirby Court Homeowners Association)

Mr. Zetts read from a prepared statement. The focus of his comments was the entirety of the watershed of Burke's Spring Branch, including the stream referenced in Ms. Saunders' and Mr. Dent's testimony as well as an eastern branch of Burke's Spring Branch. His comments noted the existing wooded condition of much of the watershed of this stream and raised concerns about the cumulative impacts of three development proposals within the watershed. He referenced severe flooding impacts that are already occurring along the watershed and, in particular, in the Brooks Square neighborhood, which includes land at and downstream of the confluence of the two branches of the stream.

Desmond O'Rourke

Mr. O'Rourke read from a prepared statement. His comments focused on light pollution issues, particularly with respect to impacts of lighting at Lewinsville Park. He referenced Ms. Bodson's earlier statement and the particular impacts that resulted from the use of outdated lighting technology and increased pole heights for one field in particular. He referenced the citizens' appeal to the Board of Zoning Appeals (BZA) that was referenced in Ms. Bodson's testimony, noting that the appeal was successful and that the Board of Supervisors has sued the BZA to overturn this determination. He expressed concerns with Park Authority decisions on this site and noted that an agreement reached regarding use of the fields at the site included the development of a working group to include citizen representation. He expressed concern that this group had not yet been formed.

Mr. O'Rourke expressed concern about the proposed development of a new soccer field on steeply-sloping terrain at Spring Hill Park and the impacts that additional lighting at that site may have on the Turner Farm Park in Great Falls, which is being developed as an astronomy resource.

Mr. Lamb noted the recent initiation of meetings between EQAC and the Park Authority Board. Ms. Koch referenced the Park Authority's Natural Resource Management Plan and encouraged people to review this document. She stressed the need for better balance in funding between passive and active recreation.

Mr. Crandall stated that he has had difficulty getting information from the Park Authority.

Matthew Taylor

Mr. Taylor introduced himself as the Vice President of the Dartmoor Estates Homeowners Association and as a member of a group known as "Citizens for Responsible Stormwater Management." He read from a prepared statement. He noted that, over the last two years, he has been involved in discussions with the Northern Virginia Soil and Water Conservation District and County staff regarding stormwater management techniques. He indicated that the purpose of his testimony was to suggest the use of Dartmoor Estates as a "proving ground" for the use of low impact development (LID) techniques. He asked for EQAC's participation in establishing a consortium to initiate a stormwater management pilot program in the community. He discussed both short and long term objectives of the program, with long term objectives to include influencing changes to the Public Facilities Manual and building support for a stormwater utility fee, with credits for use of LID techniques. He listed a number of methods that his group was interested in pursuing, including extensive tree plantings, rain barrels, curb cuts, infiltration trenches, check dams in streams, and ravines near driveways. He stressed the need for these approaches as alternatives to traditional stormwater management techniques, which he felt would compromise the ecological integrity of the stream valley adjacent to his community. He stated that current methods of stormwater management are outdated and that alternatives need to be considered.

Ron Nowak (Westhampton Civic Association)

Mr. Nowak read from a prepared statement. His comments focused on the proposal to extend rail service from the East Falls Church Metrorail station along the Dulles Access Road, with a particular focus on noise impacts to his community, which is located near the West Falls Church Metrorail station. He noted that his community is affected by a number of noise sources (highway noise, rail noise, and a rail maintenance facility near the West Falls Church station) and that noise impacts would increase as a result of the construction of a new aerial section of track and a new track lead into the maintenance yard. He expressed support for "any project that increases the region's mobility," but he stressed the need for better resolution of neighborhood impacts. With respect to noise, he called for a more thorough analysis of the adequacy of proposed mitigation measures, the provision of concrete noise barriers to address both rail and highway noise impacts, and additional mitigation measures for the proposed aerial portions of the track. He added that there is a need for a study of traffic impacts of new rail-related facilities on neighborhood streets (with cut-through traffic impacts being of particular concern), traffic calming measures based on future traffic volumes, better coordination between transit and other transportation agencies (e.g., coordination of noise mitigation between agencies that address rail and highway noise sources), and post construction evaluations of noise, visual, and traffic impacts. He also expressed

concerns about the potential for locally adverse air quality impacts of the project and the need for “walkable” designs of new transit stations.

Chris Koerner (Fox Heritage Homeowners Association)

Mr. Koerner provided EQAC with an update of his previous testimony regarding environmental degradation in Lake Martin. He noted that, 6 ¾ years after the development-related damage to Lake Martin began, the lake continues to be degraded. He stated that the Lake continues to look like an extended mud flat (in an area that was three to four feet deep in 1997) and that there is continuing erosion of the creek feeding the Lake. He noted the extensive sedimentation of the Lake that occurs every time it rains.

Mr. Koerner provided an overview of the history of the Lake Martin issue, noting that, in 1997, the Virginia Soil and Water Conservation Board required the County to stop all work in the watershed until developers repaired damage that had been caused to the Lake and that the County refused to comply with this order. He stated that, after a substantial period of time and State and federal involvement, the County filed a lawsuit, dropped it, and refiled it, and that it took 2 ½ years for the suit to get to trial, which it did in August, 2003. He stated that the Court ruled in favor of the County and penalized a developer \$625,000--\$425,000 for restoration efforts and \$200,000 for various other expenses. He noted that the developer has appealed this decision to the [Virginia] Supreme Court, which will not decide whether or not it will hear the case until April, 2004.

He noted that residents of his community have suffered considerable personal quality of life degradation and financial expense as a result of this issue, and that these residents continue to wait to get their properties back. He requested the following from EQAC:

- To recommend that the County continue the planning efforts that had been discontinued as well as related design, permanent acquisition, and easement negotiations; and
- To request that the Department of Public Works and Environmental Services (DPWES) prepare a written case study of how the damage to Lake Martin occurred and what it can do to prevent similar damage from happening again.

He stressed that the County continues to have deficiencies in its program and that similar degradation continues to occur elsewhere in the County.

Roger Diedrich

Mr. Diedrich read from a prepared statement. He focused on four issues: air quality, stormwater management, parks, and solid waste. With respect to air quality, stressed the need for more funding for transit (with perhaps the use of clean buses in the short term), better information on transit, better land use decisions, and better community education. He stated that the County is

not doing well in the area of stormwater management, citing what he viewed as an excessive number of waivers and no political will to institute a stormwater utility fee. He criticized the Park Authority's use of all maintenance funds on facility maintenance as opposed to general park maintenance. In the area of solid waste, Mr. Diedrich noted that a new management plan is being developed and stressed the need for numerical and increasing goals related to recycling and reduction rates (as opposed to tonnages).

Written Testimony

Written testimony was submitted by four other people or organizations. Francesca Bravo submitted testimony in support of, and in conjunction with, the comments of Mr. Nowak. Norma Hoffman submitted testimony opposing two alternative alignments of a proposed connector road between Richmond Highway and Telegraph Road. These alignments would go through or near Huntley Meadows Park. Chairman McLaren noted that the Board of Supervisors had gone on record in opposition of these two alignments as well as two other alignments, with a preference for re-opening Woodlawn Road (with hardening to protect sensitive facilities). Ned Foster submitted comments concerning damage to riparian buffer areas. Specifically, he recommended publicity of the importance of these buffers and penalties for damaging them. He also recommended that there be a phone number and contact person to address complaints about riparian buffer problems, with complaints and their resolution to be publicized. Finally, the Northern Virginia Association of Realtors (NVAR) submitted a letter objecting to any proposal to expand Resource Protection Area designations to intermittent streams. NVAR sent a follow-up letter recognizing that EQAC was not proposing such an expansion.

The public hearing was adjourned at 10:00 P.M.